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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 SFR INVESTMENTS POOL 1, LLC,
12 Plaintiff,

13 v.

14 THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE
15 CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-IM3; DOES I
16 through X; and ROE BUSINESS ENTITIES I
through X, inclusive,

17 Defendants.

18
19 THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE
20 CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-IM3,

21 Counter-plaintiff,

22 v.

23 SFR INVESTMENTS POOL 1, LLC; DOES I
24 through X; and ROE BUSINESS ENTITIES I
through X, inclusive,

25 Counter-defendants.
26

Case No.: 2:22-cv-01802-CDS-NJK

**ORDER TO EXTEND
DISCOVERY DEADLINES**

(First Request)

27 Plaintiff/Counter-defendant, SFR Investments Pool 1, LLC ("SFR") and
28

Defendant/Counterclaimant, The Bank of New York Mellon fka The Bank of New York as trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-IM3 (“BNYM”), by and through their undersigned counsel, hereby respectfully submit this stipulation and order to extend the close of discovery and related deadlines as set forth in the Scheduling Order entered on February 13, 2023 [ECF No. 67], pursuant to LR 26-3 and LR IA6-1. The current discovery deadline is July 3, 2023. This is the Parties first request for an extension of the deadlines.

I. INTRODUCTION

SFR initiated this action in the Eighth Judicial District Court, Clark County, Nevada, on August 24, 2022. The matter was removed by BNYM to this Court on October 27, 2022. [ECF No. 1]. BNYM obtained an extension of time to respond to the original complaint until January 17, 2023 [ECF No. 9]. On January 3, 2023, BNYM filed a Partial Motion to Dismiss [ECF No. 10], which ultimately resulted in dismissal of SFR’s first cause of action for Quiet Title—NRS 40.010 on February 27, 2023, leaving only one remaining cause of action for Violation of NRS 107.200 and NRS 107.260. [ECF No. 17]. In the interim, the parties filed a Stipulated Discovery Plan and Scheduling Order [ECF No. 14] and this Court entered a Scheduling Order [ECF No. 15] setting forth the current discovery deadlines. The parties began the discovery process, but it was not until recently, on May 5, 2023, that BNYM filed its Answer to SFR’s Complaint and Counterclaims against SFR [ECF No. 18], which has altered the scope of discovery, resulting in the need for more time to complete discovery.

II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.

1. BNYM served its initial disclosures on February 8, 2023.
2. SFR served its initial disclosures on February 8, 2023.
3. BNYM served its first set of requests for production of documents, requests for admission and first set of interrogatories to SFR on April 3, 2023.
4. SFR served its responses to BNYM’s first set of requests for admission on May 3, 2023.
5. SFR served its responses to BNYM’s first set of requests for production of

documents and first set of interrogatories on April 18, 2023.

III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN COMPLETED.

(a) BNYM's deposition of the SFR's Rule 30(b)(6) witness.

(c) SFR's deposition of BNYM's Rule 30(b)(6) witness.

(d) SFR's service of its first set of requests for admission, first set of requests for production and first set of interrogatories to BNYM.

(e) BNYM's responses to SFR's first set of requests for admission, first set of requests for production and first set of interrogatories to BNYM.

The parties reserve the right to participate in any additional discovery during the time frames outlined below should the need arise.

IV. REASON WHY EXTENSION IS REQUIRED.

Discovery closes on July 3, 2023. This stipulation is being submitted within 21-days of the current June 9, 2023, discovery deadline so the good cause standard of LR 26-4 applies. Good cause exists to extend the discovery and dispositive motion deadlines because new counterclaims that alter the scope of discovery were filed by BNYM against SFR on May 5, 2023. The parties have participated in discovery in good faith during the current discovery period, but additional time is nonetheless needed for depositions and to conduct additional written discovery. Further, the parties anticipate litigation regarding SFR's responses to BNYM's written discovery requests. For these reasons, good cause exists for the parties' requested extension. The parties request a sixty day extension of the current discovery deadlines to allow for full discovery and resolution of any potential discovery issues.

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V. **PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

The parties agree that discovery will be extended sixty days, and the scheduling order deadlines will be extended to the following:

- (a). Discovery cut off: **September 1, 2023.**
- (b). Last date to file dispositive motions: **October 31, 2023.**
- (c). Joint proposed pretrial order: **January 2, 2024¹ or 30 days after resolution of dispositive motions.**

The Parties submit this stipulation in good faith and not for purposes of delay or to prejudice to any party.

DATED this 26th day of May, 2023.	DATED this 26th day of May, 2023.
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<u>/s/ Chantel M. Schimming</u>	<u>/s/ Natalie L. Winslow</u>
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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

May 30, 2023

DATED

¹ The date occurring 30 days after the discovery cut-off falls on Saturday, December 30, 2023. January 1, 2024, is a federal holiday. Accordingly, the parties agree to move this deadline to the following business day.